

United States Courts  
Southern District of Texas  
FILED

FEB 10 2006

Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

In re RELIANT ENERGY ERISA LITIGATION )

Master File No.

CV-H-02-2051

CLASS ACTION

\_\_\_\_\_  
This Document Relates To: All Actions )  
\_\_\_\_\_) )  
\_\_\_\_\_)

NOTICE OF APPEAL

Notice is hereby given that all plaintiffs, including Named Plaintiffs Brad Kirschbaum and Raymond Royer, individually and on behalf of the certified class, in the above named case hereby appeal to the United States Court of Appeals for the Fifth Circuit from: (i) the Final Order signed and entered in this action on the 18<sup>th</sup> day of January, 2006; and (ii) the Memorandum and Order granting Defendants' Motion for Summary Judgment and denying Plaintiffs' Motion for Partial Summary Judgment signed and entered in this action on the 18<sup>th</sup> day of January, 2006.

DATED February 9, 2006.

By: John G. Emerson (RAT with per  
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Federal ID No. 5309

SBOT No. 06602600

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**Certificate of Service**

I hereby certify that on February 9<sup>th</sup>, 2006, I mailed to the Clerk sufficient copies of the Notice of Appeal to distribute a copy to each of the following counsel:

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